

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

United States of America,

Plaintiff,

Case No. 21-cv-10901

Honorable Robert H. Cleland

vs.

Sixty-Five Thousand Twenty Dollars
(\$65,020.00) in U.S. Currency,

Defendant *in rem*.

Stipulation for Consent Judgment and Final Order of Forfeiture

The parties, by and through undersigned counsel, **STIPULATE** and
AGREE as follows:

1. On April 22, 2021, the United States of America filed a verified
Complaint for Forfeiture, pursuant to 21 U.S.C. § 881, against the defendant *in
rem*, Sixty-Five Thousand Twenty Dollars (\$65,020.00) in U.S. Currency
("Defendant Currency"). (ECF No. 1).

2. A Warrant of Arrest and Notice *In Rem* was issued for the Defendant
Currency on April 22, 2021. (ECF No. 3).

3. On July 14, 2021, the United States of America filed a First Amended
Complaint for Forfeiture, pursuant to 21 U.S.C. § 881 and 21 U.S.C. § 841(a)(1),
846 and/or 18 U.S.C. § 1956(a)(1)(A)(i) against the Defendant Currency. (ECF

No. 4).

4. The Government served the Complaint for Forfeiture, First Amended Complaint for Forfeiture, Warrant of Arrest and Notice *In Rem* and Certificate of Service on July 16, 2021 on all known potential claimants, including Brandon Montgomery (“Claimant”). (ECF No. 5).

5. On August 11, 2021, Claimant filed a verified claim of interest (ECF No. 6) and an answer to the complaint on September 3, 2021. (ECF No. 7).

6. On August 14, 2021, the Government completed online publication of Notice of Forfeiture Action on an official government internet site (www.forfeiture.gov). (ECF No. 8).

7. No other verified claims have been filed in this judicial action regarding the defendant *in rem*, and the time for filing such pleadings has expired.

8. Plaintiff, the United States of America, and Claimant, Brandon Montgomery, by and through his attorney, Wright W. Blake, wish to resolve this matter without further litigation and expense.

Now therefore, the parties stipulate as follows:

7. This action is a civil *in rem* forfeiture action brought pursuant to 21 U.S.C. § 881 and 21 U.S.C. §§ 841(a)(1), 846 and/or 18 U.S.C. § 1956(a)(1)(A)(i).
8. This Court has jurisdiction and venue over this action pursuant to 28 U.S.C. §§ 1345, 1355, 1391, and 1395.

9. The allegations of the Complaint for Forfeiture are well taken, the United States and its agents had reasonable cause to seize the above-enumerated property as provided in 28 U.S.C. § 2465 and for seeking forfeiture as provided in 21 U.S.C. § 881(a)(6). The Government's position in this action is substantially justified as provided in 28 U.S.C. § 2412(d)(1)(B), and Claimant shall not claim or seek attorney fees from the United States under the Civil Asset Forfeiture Reform Act, the Equal Access to Justice Act, or any other act, statute, or regulation.

10. Acceptance of this settlement by Claimant does not constitute an admission of liability or an acknowledgement of any wrongdoing whatsoever on the part of the Claimant.

11. The amount of Fifty-Five Thousand Twenty Dollars (\$55,020.00) U.S. Currency of the Defendant Currency ("Forfeited Currency") **SHALL BE FORFEITED** to the United States of America pursuant to 21 U.S.C. § 881 and 21 U.S.C. §§ 841(a)(1), 846 and/or 18 U.S.C. § 1956(a)(1)(A)(i). Further, any right, title, or interest of Claimant and his successors and assigns in the Forfeited Currency is hereby and forever **EXTINGUISHED**, and clear title to said assets shall hereby be **VESTED** in the United States, and the United States Marshals Service is **AUTHORIZED** to dispose of the Forfeited Currency according to law.

12. The remainder of the Defendant Currency, Ten Thousand Dollars (\$10,000.00) U.S. Currency ("Returnable Currency"), shall **NOT** be forfeited, but

shall be **RETURNED** to Claimant following the entry of this Stipulated Consent Judgment. The Returnable Currency shall be returned less any debt owed to the United States, any agency of the United States, or any other debt that the United States is authorized to collect from the Claimant, including but not limited to any debts collected through the Treasury Offset Program.

13. Following entry of this Stipulated Consent Judgment, and receipt by the U.S. Attorney's Office of the Claimant's social security number and Automated Clearing House information from the Claimant, the United States Marshals Service for the Eastern District of Michigan, or its delegate, shall disburse the funds through the Electronic Payment System by means of electronic deposit to attorney Wright W. Blake's IOLTA account.

14. Upon entry of this judgment, Claimant Brandon Montgomery forever waives any appellate rights he may have pertaining to this civil forfeiture action.

15. Claimant hereby knowingly and voluntarily waives any and all right to reimbursement by the United States of reasonable attorney fees and litigation costs in connection with this civil forfeiture action under 28 U.S.C. § 2465(b)(1)(A), or any other statute that might conceivably apply.

16. Claimant agrees to release, remise, and discharge plaintiff, the United States of America, and any of its agencies involved in this matter, including the Drug Enforcement Administration, the United States Attorney's Office, and their

agents, officers and employees, past and present, from all claims or causes of action which Claimant and his agents, officers, employees, assignees and/or successors in interest have, may have had or may have on account of the events or circumstances giving rise to the above-captioned action.

17. Claimant Brandon Montgomery has discussed this settlement with counsel, and fully understands its terms and conditions and the consequences of entering into it. The parties agree that each shall bear their own costs in this matter.

18. This Consent Judgment shall be entered upon submission to the Court, and upon entry, this action shall be closed.

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Dawn N. Ison
United States Attorney

s/Cassandra M. Resopo
Cassandra M. Resopo (IL 6302830)
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Dated: May 13, 2022

s/ Wright W. Blake (see attached)
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bwrightlaw@yahoo.com

Dated: May 26, 2022

s/Brandon Montgomery (see attached)
Brandon Montgomery
Claimant

Dated: May 26, 2022

IT IS SO ORDERED

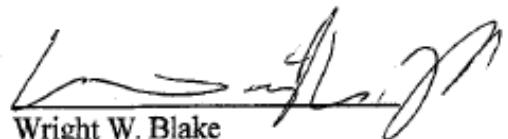
S/Robert H. Cleland
Honorable Robert H. Cleland
United States District Judge

Dated: June 1, 2022

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Dated: May 13, 2022

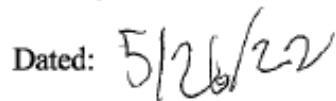


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bwrightlaw@yahoo.com

Dated: 5/26/22



Brandon Montgomery
Claimant



Dated: 5/26/22

IT IS SO ORDERED.

Honorable Robert H. Cleland
United States District Judge